



Ohio Board of Nursing

17 S. High Street, Suite 660 • Columbus, Ohio 43215-3466 • 614-466-3947

www.nursing.ohio.gov

I certify that the attached records are a true copy of Ohio Board of Nursing disciplinary records.

Betsy J. Houchen

Betsy Houchen, R.N., M.S., J.D.
Executive Director





Ohio Board of Nursing

77 South High Street, 17th Floor • Columbus, Ohio 43266-0316 • (614) 466-3947

95-712

CONSENT AGREEMENT BETWEEN **DIANA D. MATLACK** AND **OHIO BOARD OF NURSING**

This Consent Agreement is entered into by and between **Diana D. Matlack** and the Ohio Board of Nursing (hereinafter "the Board"), the state agency charged with enforcing Chapter 4723 of the Ohio Revised Code (ORC), and all Rules promulgated thereunder.

Ms. Matlack voluntarily enters into this Consent Agreement being fully informed of her rights under Chapter 119 ORC, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

1. Currently, **Ms. Matlack** is licensed to practice nursing as a registered nurse, license #R.N. 245431, in the State of Ohio, and is subject to the provisions of Chapter 4723, ORC and all rules promulgated thereunder.
2. **Ms. Matlack** had a current, valid license to practice nursing as a registered nurse from September 15, 1993 through August 31, 1995. **Ms. Matlack's** license to practice nursing as a registered nurse expired on August 31, 1995. Subsequently, on or about September 14, 1995, **Ms. Matlack** renewed her license to practice nursing as a registered nurse. Therefore, **Ms. Matlack** did not hold a current, valid license to practice nursing as a registered nurse from September 1, 1995 through September 13, 1995.
3. **Ms. Matlack** knowingly and voluntarily admits that she failed to renew her license to practice nursing as a registered nurse on or before August 31, 1995 for the renewal period beginning September 1, 1995.

4. **Ms. Matlack** knowingly and voluntarily admits that she practiced nursing as a registered nurse in Ohio from September 1, 1995 through September 13, 1995 without holding a current, valid license to practice nursing as a registered nurse issued by the Board.

Ms. Matlack's conduct as described in paragraphs two, three, and four, constitutes:

- failure to timely renew an Ohio license to practice nursing as a registered nurse;
- engaging in the practice of nursing having failed to renew a license issued under Chapter 4723 ORC; and
- engaging in the practice of nursing as a registered nurse without holding a current, valid license as a registered nurse under Chapter 4723 ORC.

Section 4723.28(B) ORC, states in pertinent part that:

The Board of Nursing, pursuant to an adjudication conducted under Chapter 119. of the Revised Code and by a vote of a quorum, may impose one or more of the following sanctions: deny, revoke, suspend, or place restrictions on any license issued by the Board; reprimand or otherwise discipline a holder of a license; or impose a fine of not more than five hundred dollars (\$500.00) per violation. The sanctions may be imposed for***

- (2) Engaging in the practice of nursing having failed to renew a license issued under this chapter; ***
- (15) Violation of this chapter (Chapter 4723, ORC) or any rules adopted under it; ***

Section 4723.24 ORC, states:

All active licenses issued under this Chapter shall be renewed biennially according to a schedule established by the Board of Nursing.***

In addition, Section 4723.03(A) states:

No person shall engage in the practice of nursing as a registered nurse, hold herself out as being a registered nurse, or use the title "registered nurse," the initials "R.N.," or any other title implying that the person is a registered nurse, for a fee, salary, or other consideration, or as a volunteer, without holding a current, valid license as a registered nurse under this Chapter (Chapter 4723, ORC).

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, **Ms. Matlack** knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

- A. **Ms. Matlack** shall pay a fine of fifty dollars (\$50.00) to the Ohio Board of Nursing by personal check, certified check or money order by December 1, 1995.
- B. So long as **Ms. Matlack** is engaging in the practice of nursing in the State of Ohio, **Ms. Matlack** shall maintain a current, valid license in Ohio to practice nursing.
- C. **Ms. Matlack** shall obey all federal, state, and local laws, and all rules governing the practice of nursing in Ohio.
- D. So long as **Ms. Matlack** is in compliance with the terms of this Consent Agreement, the Board agrees not to proceed with further action against **Ms. Matlack** for any of the conduct described in this Consent Agreement.

If, in the discretion of the Board, **Ms. Matlack** appears to have violated or breached any terms or conditions of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

Ms. Matlack acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

This Consent Agreement is not an adjudication order within the meaning of Section 119.01(D) ORC.

However, any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the requirements set forth in Chapter 119 ORC.

The terms, limitations and conditions of this Consent Agreement may be modified or terminated in writing at any time upon the agreement of both Ms. Matlack and the Board.

Ms. Matlack waives all of her rights under Chapter 119 ORC, as they relate to matters which are the subject of this Consent Agreement.

Ms. Matlack waives any and all claims or causes of action she may have against the state of Ohio, the Board, and members, officers, employees and /or agents of either, arising out of matters which are the subject of this Consent Agreement.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43 ORC. **Ms. Matlack** understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board President and shall become effective upon the last date of signature below.

The information contained herein may be reported to appropriate organizations, data banks and governmental bodies.

Diana D. Matlack
DIANA D. MATLACK

10-23-95
DATE

Eldonna Shields-Kyle, R.N., ANC, FNP

ELDONNA SHIELDS-KYLE President
Ohio Board of Nursing

11/17/95
DATE

Michele Hall
MICHELLE HALL
Assistant Attorney General

11/17/95
DATE

Certified Mail
Receipt No. P 235 102 367